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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,752	11/17/2003	Chun Chen	400.235US01	3378
27073	7590	10/31/2005	EXAMINER	
LEFFERT JAY & POLGLAZE, P.A. P.O. BOX 581009 MINNEAPOLIS, MN 55458-1009			PHAM, THANHHA S	
			ART UNIT	PAPER NUMBER
			2813	

DATE MAILED: 10/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/714,752	Applicant(s) CHEN ET AL.	
	Examiner Thanhha Pham	Art Unit 2813	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

This Office Action is in response to Applicant's Amendment dated 08/17/2005.

### ***Specification***

**1. The disclosure is objected to because of informalities. Appropriate correction is required.**

► With respect to paragraph [0042], line 6, typographical error of "the source regions 235" should be changed to "the drain regions 235"

► With respect to paragraph [0042], line 6, typographical error of "the drain regions 240" should be changed to "the source regions 240"

**2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o).** Correction of the following is required: Specification should be corrected to support limitations of original claim 3.

### ***Claim Objections***

**3. Claims 2 and 15 objected to because of informalities. Appropriate corrections are required to clarify scopes of claims.**

► With respect to claim 2, "wherein forming a first and/or second mask layer further comprises forming a first and/or second mask layer with photoresist" should be changed

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to “wherein forming the first and second mask layers further comprises forming at least one of the first and second mask layers with a photoresist” to clarify scopes of claims

► With respect to claim 15, “wherein removing the first and/or second mask layer further comprises stripping the first and/or second mask layer” should be changed to “wherein removing the first and second mask layers further comprises stripping at least one of the first and second mask layers” to clarify scope of claim.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 17 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Limitation “patterning the first mask layer to additionally expose a portion of the layer of dielectric layer over the drain region and patterning the second mask layer to expose a portion of the layer of polysilicon over the drain region” is not supported by specification or figures.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**5. Claims 1-6 and 8-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim [US 6,001,685] in view of Wu et al. [US 6,309,975] and Applicant's Admitted Prior Art.**

► With respect to claims 1, 5-8 and 14, Kim (figs 6's and col. 1-7) discloses a method of fabricating a source interconnect to a memory cell comprising:

forming a layer of dielectric material (28/29/30, fig 6B) overlying a gate stack (23/24/25), a source region (26) and a drain region (28) of the memory cell;

forming a first mask layer (31, fig 6B) overlying the layer of dielectric material;  
patterning the first mask layer (31, fig 6B) to expose a portion of the layer of dielectric material over at least the source region;

removing a portion of the exposed portion of the layer of dielectric material to expose the source region (26, fig 6C);

removing the first mask layer (31, fig 6C);  
forming a layer of polysilicon (32, fig 6C) overlying the layer of dielectric material and in contact with the exposed source region; and  
selectively etching the layer of polysilicon thereby forming the source interconnect (32', fig 6D).

Kim does not teach:

a) removing said portion of the exposed portion of the layer of the dielectric material to form a trench shaped region and expose the source region *[claim 1]*;

b) said selectively etching the layer of polysilicon comprising: forming a second mask layer overlying the layer of polysilicon; patterning the second mask layer to expose a portion of the layer of polysilicon over at least the source region; implanting ions in the exposed portion of the layer of polysilicon, thereby forming an implanted portion of the layer of polysilicon and a non-implanted portion of the layer of polysilicon; removing the second mask layer; and selectively etching the layer of polysilicon to preferentially remove the non-implanted portion, thereby forming the source interconnect *[claim 1]*, wherein said implanting ion comprises implanting an ion species that is one of boron, phosphorous, arsenic, argon and silicon *[claim 14]*, wherein said selectively etching the layer of polysilicon comprises selectively wet etching the layer of polysilicon *[claims 5 and 7]* with TMAH *[claim 6]* or KOH *[claim 8]*.

Regarding to a), APA (fig 1B, specification paragraph [0023]) shows etching dielectric material can expose the source region and form in either a trench shaped region or a contact hole shaped region to interconnection. Therefore, at the time of invention, it would have been obvious for those skilled in the art to modify process of Kim et al by forming the trench shaped region as being claimed as taught by APA to provide interconnection region to the source region of device.

Regarding to **b)**, Wu et al (figs 21-23, col. 8-11, 34-40 and 47-48) teaches forming a second mask layer overlying the layer of polysilicon; patterning the second mask layer to expose a portion of the layer of polysilicon over an active region; implanting ions in the exposed portion of the layer of polysilicon, thereby forming an implanted portion of the layer of polysilicon and a non-implanted portion of the layer of polysilicon; removing the second mask layer; and selectively etching the layer of polysilicon to preferentially remove the non-implanted portion, thereby forming the polysilicon interconnect, wherein said implanting ion comprises implanting an ion species that is one of boron, phosphorous, arsenic, argon and silicon, wherein said selectively etching the layer of polysilicon comprises selectively wet etching the layer of polysilicon with TMAH or KOH. Therefore, at the time of invention, it would have been obvious for those skilled in the art to modify process of Kim by using the second mask, implanting ions and selectively etch as being claimed, per taught by Wu et al., to provide a better control in selectively etching the layer of polysilicon to form the source interconnection.

- ▶ With respect to claim 2, Kim (col. 6 lines 16-30) disclose forming the first mask (first mask 31) with a photoresist.
- ▶ With respect to claim 3, APA (page 5 of remark dated 08/17/2005) discloses the first and second mask layers can be patterned to remove undesired portions of the first and second mask layers with the same pattern and that would be apparent to one skilled in the art. It would have been obvious for those skilled in the art to pattern the first and second mask layers with the same pattern as being claimed in the process of

Kim in view of Wu et al and APA define location and shape of polysilicon interconnection to the source region of device.

- ▶ With respect to claim 4, the layer of polysilicon overlying the dielectric material and in contact with the exposed source region in the process of Kim in view of Wu et al and APA would be conductively doped for functioning as conductor polysilicon for the source interconnection.
- ▶ With respect to claim 9, the layer of polysilicon overlying the layer of dielectric material would be a layer of silicon containing layer.
- ▶ With respect to claims 12-13, the claimed range of ion dosage level of implanting ion is considered to involve routine optimization while has been held to be within the level of ordinary skill in the art. As noted in In re Aller 105 USPQ233, 255 (CCPA 1955), the selection of reaction parameters such as temperature and concentration would have been obvious.

"Normally, it is to be expected that a change in temperature, or in concentration, or in both, would be an unpatentable modification. Under some circumstances, however, changes such as these may be impart patentability to a process if the particular ranges claimed produce a new and unexpected result which is different in kind and not merely degree from the results of the prior art...such ranges are termed "critical ranges and the applicant has the burden of proving such criticality... More particularly, where the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation."



*See also In re Waite 77 USPQ 586 (CCPA 1948); In re Scherl 70 USPQ 204 (CCPA 1946); In re Irmischer 66 USPQ 314 (CCPA 1945); In re Norman 66 USPQ 308 (CCPA 1945); In re Swenson 56 USPQ 372 (CCPA 1942); In re Sola 25 USPQ 433 (CCPA 1935); In re Dreyfus 24 USPQ 52 (CCPA 1934).*

- ▶ With respect to claim 15, removing the first and second masks in the process of Kim in view of Wu et al and APA would comprise stripping the first and second masks.
- ▶ With respect to claim 16, Kim (col. 6 lines 26-35) discloses removing a portion of the exposed portion of the layer of dielectric material to expose the source region comprises anisotropically etching the exposed portion of the layer of dielectric material.
- ▶ With respect to claim 17, Kim (fig 6B-C) shows patterning the first mask layer comprising patterning the first mask layer to additionally expose a portion of the layer of dielectric over at least the drain region (26').

**6. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jenq et al. [US 6,159,788] in view of Wu et al [US 6,309,975] and APA.**

- ▶ With respect to claims 1, 5-8 and 14, Jenq et al (figs 1-5 and col. 1-10) discloses a method of fabricating a source interconnect to a memory cell comprising:

forming a layer of dielectric material (36, fig 2) overlying a gate stack (14/16/18/20), a source region (30) and a drain region (28) of the memory cell;

forming a first mask layer overlying the layer of dielectric material (col. 6 lines 1-7);

patterning the first mask layer (having the first mask pattern with an opening over the source region 30, col. 6 lines 1-7) to expose a portion of the layer of dielectric material over at least the source region;

removing a portion of the exposed portion of the layer of dielectric material to expose the source region (fig 3, col. 6 lines 1-16);

removing the first mask layer (col 6 lines 28-29);

forming a layer of polysilicon (42, fig. 4) overlying the layer of dielectric material and in contact with the exposed source region; and

selectively etching the layer of polysilicon thereby forming the source interconnect (44, fig 5).

Kim does not teach:

a) removing said portion of the exposed portion of the layer of the dielectric material to form a trench shaped region and expose the source region

**[claim 1];**

b) said selectively etching the layer of polysilicon comprising: forming a second mask layer overlying the layer of polysilicon; patterning the second mask layer to expose a portion of the layer of polysilicon over at least the source region; implanting ions in the exposed portion of the layer of polysilicon, thereby forming an implanted portion of the layer of polysilicon and a non-implanted portion of the layer of polysilicon; removing the second mask layer; and selectively etching the layer of polysilicon to preferentially remove the non-implanted portion, thereby forming the source interconnect **[claim 1]**, wherein said

implanting ion comprises implanting an ion species that is one of boron, phosphorous, arsenic, argon and silicon *[claim 14]*, wherein said selectively etching the layer of polysilicon comprises selectively wet etching the layer of polysilicon *[claims 5 and 7]* with TMAH *[claim 6]* or KOH *[claim 8]*.

Regarding to **a)**, APA (fig 1B, specification paragraph [0023]) shows etching dielectric material can expose the source region and form in either a trench shaped region or a contact hole shaped region to interconnection. Therefore, at the time of invention, it would have been obvious for those skilled in the art to modify process of Jeng et al by forming the trench shaped region as being claimed as taught by APA to provide interconnection region to the source region of device.

Regarding to **b)**, Wu et al (figs 21-23, col. 8-11, 34-40 and 47-48) teaches forming a second mask layer overlying the layer of polysilicon; patterning the second mask layer to expose a portion of the layer of polysilicon over an active region; implanting ions in the exposed portion of the layer of polysilicon, thereby forming an implanted portion of the layer of polysilicon and a non-implanted portion of the layer of polysilicon; removing the second mask layer; and selectively etching the layer of polysilicon to preferentially remove the non-implanted portion, thereby forming the polysilicon interconnect, wherein said implanting ion comprises implanting an ion species that is one of boron, phosphorous, arsenic, argon and silicon, wherein said selectively etching the layer of polysilicon comprises selectively wet etching the layer of polysilicon with TMAH or KOH. Therefore, at the time of invention, it would have been obvious for those skilled in the art to modify process of Jenq by using the second mask,

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implanting ions and selectively etch as being claimed, per taught by Wu et al., to provide a better control in selectively etching the layer of polysilicon to form the source interconnection.

- ▶ With respect to claim 2, Jenq et al (col. 6 lines 27-29) disclose forming the first and/or second mask (first mask) with a photoresist.
- ▶ With respect to claim 3, APA (page 5 of remark dated 08/17/2005) discloses the first and second mask layers can be patterned to remove undesired portions of the first and second mask layers with the same pattern and that would be apparent to one skilled in the art. It would have been obvious for those skilled in the art to pattern the first and second mask layers with the same pattern as being claimed in the process of Jenq et al in view of Wu et al and APA define location and shape of polysilicon interconnection to the source region of device.
- ▶ With respect to claim 4, Jenq et al (col. 6 lines 30-45) discloses forming the layer of polysilicon overlying the layer of the dielectric material and in contact with the exposed source region wherein the layer of polysilicon is conductively doped.
- ▶ With respect to claim 9, the layer of polysilicon overlying the layer of dielectric material would be a layer of silicon containing layer.
- ▶ With respect to claim 10, Jenq et al (figs 2-3 and col 6 lines 1-7) disclose patterning the first mask layer comprises patterning the first mask layer to expose a portion of the layer of the dielectric over the source region and a portion of the gate stack.

- ▶ With respect to claim 11, in combination of process of Jenq et al in view of Wu et al and APA, to form the source interconnect (44) overlying the source region (30) and a portion of the gate stack, patterning the second mask would expose a portion of the layer of polysilicon over the source region and a portion of the gate stack.
- ▶ With respect to claims 12-13, the claimed range of ion dosage level of implanting ion is considered to involve routine optimization while has been held to be within the level of ordinary skill in the art. As noted in *In re Aller* 105 USPQ233, 255 (CCPA 1955), the selection of reaction parameters such as temperature and concentration would have been obvious.

"Normally, it is to be expected that a change in temperature, or in concentration, or in both, would be an unpatentable modification. Under some circumstances, however, changes such as these may be impart patentability to a process if the particular ranges claimed produce a new and unexpected result which is different in kind and not merely degree from the results of the prior art...such ranges are termed "critical ranges and the applicant has the burden of proving such criticality... More particularly, where the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation."

*See also In re Waite* 77 USPQ 586 (CCPA 1948); *In re Scherl* 70 USPQ 204 (CCPA 1946); *In re Irmischer* 66 USPQ 314 (CCPA 1945); *In re Norman* 66 USPQ 308 (CCPA 1945); *In re Swenson* 56 USPQ 372 (CCPA 1942); *In re Sola* 25 USPQ 433 (CCPA 1935); *In re Dreyfus* 24 USPQ 52 (CCPA 1934).

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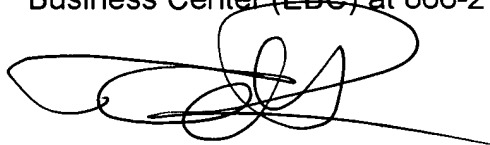
► With respect to claim 15, removing the first and second masks in the process of Jenq et al in view of Wu et al and APA would comprise stripping the first and second masks.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanhha Pham whose telephone number is (571) 272-1696. The examiner can normally be reached on Monday and Thursday 9:00AM - 9:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Whitehead can be reached on (571) 272-1702. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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